

By: Zaffirini

S.B. No. 2158

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for a mass gathering or outdoor music festival permit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 751.004(b), Health and Safety Code, is amended to read as follows:

(b) The application must include:

(1) the promoter's name and address;

(2) a financial statement that reflects the funds being supplied to finance the mass gathering and each person supplying the funds;

(3) the name and address of the owner of the property on which the mass gathering will be held;

(4) a certified copy of the agreement between the promoter and the property owner;

(5) the location and a description of the property on which the mass gathering will be held;

(6) the dates and times that the mass gathering will be held;

(7) the maximum number of persons the promoter will allow to attend the mass gathering and the plan the promoter intends to use to limit attendance to that number;

(8) the name and address of each performer who has agreed to appear at the mass gathering and the name and address of

1 each performer's agent;

2 (9) a description of each agreement between the
3 promoter and a performer;

4 (10) a description of each step the promoter has taken
5 to ensure that minimum standards of sanitation and health will be
6 maintained during the mass gathering;

7 (11) a description of all preparations being made to
8 provide traffic control, to ensure that the mass gathering will be
9 conducted in an orderly manner, and to protect the physical safety
10 of the persons who attend the mass gathering;

11 (12) a description of the preparations made to provide
12 adequate medical and nursing care; ~~and~~

13 (13) a description of the preparations made to
14 supervise minors who may attend the mass gathering; and

15 (14) a description of the preparations made to provide
16 for solid waste disposal and to control littering.

17 SECTION 2. Section 751.007(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) The county judge may deny the permit if the judge ~~he~~
20 finds that:

21 (1) the application contains false or misleading
22 information or omits required information;

23 (2) the promoter's financial backing is insufficient
24 to ensure that the mass gathering will be conducted in the manner
25 stated in the application;

26 (3) the location selected for the mass gathering is
27 inadequate for the purpose for which it will be used;

1 (4) the promoter has not made adequate preparations to
2 limit the number of persons attending the mass gathering or to
3 provide adequate supervision for minors attending the mass
4 gathering;

5 (5) the promoter does not have assurance that
6 scheduled performers will appear;

7 (6) the preparations for the mass gathering do not
8 ensure that minimum standards of sanitation and health will be
9 maintained;

10 (7) the preparations for the mass gathering do not
11 ensure that the mass gathering will be conducted in an orderly
12 manner and that the physical safety of persons attending will be
13 protected;

14 (8) adequate arrangements for traffic control have not
15 been provided; ~~or~~

16 (9) adequate medical and nursing care will not be
17 available; or

18 (10) the preparations for solid waste disposal and
19 litter control are inadequate.

20 SECTION 3. Section 2104.101(b), Occupations Code, is
21 amended to read as follows:

22 (b) The application must include:

23 (1) the name and address of:

24 (A) the promoter; and

25 (B) each of the promoter's associates or
26 employees assisting in the promotion of the festival;

27 (2) a financial statement of the promoter and a

statement specifying the sources and amounts of capital being supplied for the festival;

(3) a description of the festival location;

(4) the name and address of the owner of the festival location;

(5) a statement describing the terms and conditions of the agreement allowing the promoter to use the festival location;

(6) the dates and times of the festival;

(7) the maximum number of persons the promoter will allow to attend the festival;

(8) a statement describing the promoter's plan to control the number of persons attending the festival;

(9) a description of the agreement between the promoter and each performer who is scheduled to appear at the festival; ~~and~~

(10) a complete statement describing the promoter's festival preparations to comply with the minimum standards of sanitation and health prescribed by Chapter 341, Health and Safety Code; and

(11) a description of the preparations made to provide for solid waste disposal and to control litter.

SECTION 4. Section 2104.104, Occupations Code, is amended to read as follows:

Sec. 2104.104. DECISION ON PERMIT APPLICATION. The commissioners court shall grant a permit application filed under Section 2104.101 unless, by a majority vote, the court finds, from a preponderance of the evidence presented at the hearing, that:

1 (1) the permit application contains false or
2 misleading information;

3 (2) required information is omitted from the
4 application;

5 (3) the promoter does not have sufficient financial
6 backing or stability to:

7 (A) carry out the preparations described in the
8 application; or

9 (B) ensure the faithful performance of the
10 promoter's agreements;

11 (4) the preparations described in the application are
12 insufficient to:

13 (A) protect the community or the persons
14 attending the outdoor music festival from health dangers; or

15 (B) avoid a violation of Chapter 341, Health and
16 Safety Code;

17 (5) the times of the festival and the festival
18 location create a substantial danger of congestion and disruption
19 of other lawful activities in the immediate vicinity of the
20 festival;

21 (6) the preparations described in the application are
22 insufficient to limit the number of persons attending the festival
23 to the maximum number stated in the application; ~~[or]~~

24 (7) the promoter does not have adequate agreements
25 with performers to ensure with reasonable certainty that persons
26 advertised to perform at the festival will appear; or

27 (8) the preparations for solid waste disposal and

1 litter control are inadequate.

2 SECTION 5. The changes in law made by this Act apply only to
3 an application for a mass gathering permit or outdoor music
4 festival permit submitted on or after the effective date of this
5 Act. A permit application submitted before that date is governed by
6 the law in effect on the date the application was submitted, and the
7 former law is continued in effect for that purpose.

8 SECTION 6. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2017.